

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

JACQUELINE S. MCFEE,

Plaintiff,

v.

CAROLINA PAD, LLC.,

Defendant.

CASE NO.: 3:21-CV-00633

DEFENDANT CAROLINA PAD, LLC'S RENEWED MOTION FOR SANCTIONS

NOW COMES the Defendant Carolina Pad, LLC (“Carolina Pad” or “Defendant”), by and through its undersigned counsel, and hereby moves for the imposition of sanctions against Plaintiff Jacqueline S. McFee and her counsel, Albert P. Allan, Esq., pursuant to Federal Rule of Civil Procedure 11, 28 U.S.C. § 1927, and the Court’s inherent authority, on the grounds that Plaintiff and her counsel intentionally filed a frivolous Complaint with no factual basis and deliberately attempted to mislead the Court about copyright ownership.

Defendant consulted with Plaintiff in advance of filing this renewed motion pursuant to LCvR. 7.1(b). Additionally, on February 16, 2022 and March 1, 2022, Defendant served Plaintiff and her counsel with a copy of this renewed motion, accompanying memorandum of law, supporting declaration (Doc. 10), and exhibits (Doc. 10-1 through 10-6). Plaintiff, however, has chosen not to withdraw the Complaint. Defendant respectfully submits the accompanying memorandum of law, declaration, and exhibits in support of its renewed motion.

WHEREFORE, Defendant requests that the Court grant its renewed motion for sanctions.

Dated: March 24, 2022

Respectfully submitted,

/s/ Timothy D. Pecsénye

Timothy D. Pecsénye (*Pro Hac Vice*)

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CERTIFICATE OF COMPLIANCE WITH SAFE HARBOR

Pursuant to the requirements of Rule 11(c)(2), on February 16, 2022 and March 1, 2022, Defendant served upon Plaintiff notice of the basis for this renewed motion for sanctions in the form of a full draft of the renewed motion, accompanying memorandum of law, supporting declaration, and exhibits. Counsel for Defendant and counsel for Plaintiff met and conferred about the renewed motion on March 15, 2022, but were unable to reach a resolution. Plaintiff has not withdrawn the Complaint in the twenty-one days that have elapsed since she received notice of the basis for the renewed motion for sanctions.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed on March 23, 2022 with the Clerk of the United States District Court, Western District of North Carolina, using its electronic case filing system, CM/ECF, thereby serving all counsel of record in this case.

/s/ Pamela Duffy
Pamela Duffy